use were that the United States is 'putting pressure' on the Russian Federation in regard to the transfer of rocket technology.

MR. CHAIRMAN: You put your question, please. This has been repeated by everybody.

SHRI G. G. SWELL: I am putting the question.

MR. CHAIRMAN: Please. Time constraint is there.

SHRI G. G. SWELL: The word used was 'pause'. They did not use the word 'suspend'. After that the word used was that the Russian President, Boris Yeltsin, had sought new conditions from India that this would be used only for peaceful purposes. Has Mr. Burbulis, who is in India today, conveyed this view? What are the new conditions that President Yeltsin has sought from us?

SHRI EDUARDO FALEIRO: Mr. Burbulis has not conveyed any new conditions to us.

SHRI SUBRAMANIAN SWAMY: Some time ago, or rather, recently the Defence Minister had been to the United States and he had described the relations between India and the United States as 'excellent'. I would like to know whether the Foreign Ministry has now revised its opinion in view of the obstructions from the United States on a vital area of interest to us, viz. the rocket technology. Does the Ministry still maintain that our relations with the United States are 'excellent' or they are something 'less excellent'?

SHRI EDUARDO FALEIRO: There is no such thing as "excellent" in everything, with anybody, much less with any country. Sir, the United States is acting as per its laws. We are acting as per our laws. We will continue to act as per our laws, as per our interest, as defined by the Government, by the People of India and by this Parliament.

MR. CHAIRMAN: Q. No. 86.

**पटना उच्च न्यायालय में न्यायाधीशों के रिक्त पद**

*86. **श्री शंकर दयाल सिंह**: क्या विधि, न्याय और कंपनी कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) पटना उच्च न्यायालय में इस समय कितने न्यायाधीश हैं और उनके कितने पद रिक्त पड़े हैं ;

(ख) पटना उच्च न्यायालय में इस समय कितने मुकदमें लम्बित हैं; और

(ग) रिक्त पद कब तक भर दिये जाएंगे और लंबित मुकदमों का निपटारा कब तक हो जाएगा ?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARMANGALAM): (a) As on 30-4-1992, the sanctioned strength of the Patna High Court is 35 Judges, 32 Judges are in position leaving 3 vacancies to be filled up.

(b) and (c) The process of consultation among the concerned constitutional authorities for filling up the vacancies is on. It is, however, not possible to indicate the time by when the vacancies will be filled up.

As on 31-12-1991, 65159 cases were pending in the Patna High Court. It is not possible to fix a time limit for the disposal of all pending cases.

**श्री शंकर दयाल सिंह**: सभापति जी, माननीय न्यायाधीशों के संबंध में कोई भी ऐसी बात नहीं कही जा सकती या कोई भी ऐसी बात नहीं कहनी चाहिये जो कि आपत्तिजनक हो लेकिन सच्चाई यह है कि मुंसिफ और मजिस्ट्रेट के लिये तो किसी-न-किसी तरह का दाखिले का इम्तिहान देना पड़ता है परन्तु जजों की नियुक्ति एक ऐसी नियुक्ति होती है जिनके लिये किसी तरह की परीक्षा की

जरूरत नहीं होती है बल्कि उनका मनोनयन सम्मानपूर्वक होता है। सभापति जी, जिस प्रकार से न्यायपालिकाओं की अभी स्थिति हो गयी है, मैं नहीं समझता कि केवल पटना हाइकोर्ट बल्कि दूसरी जगहों में भी जो नियुक्तियां हो रही हैं, वह आलोचना का बहुत बड़ा विषय है।

सभापति जी, मैं इन से अलग माननीय मंत्री महोदय से यह जानना चाहता हूं कि आपने जो आंकड़ा दिया है कि तीन जगहें अभी खाली हैं, तो उनकी भर्ती आप कब तक करेंगे, नंबर एक ? दूसरी बात यह है कि वहां पर 65,159 मुकदमे विचाराधीन पड़े हुए हैं और 32 जजेज हैं। ठीक है कि आप समय निर्धारित नहीं कर सकते, लेकिन इसके लिये स्पेशल कोर्ट या वैकेशन कोर्ट बनाकर इन लंबित मुकदमों को जल्द-से-जल्द फैसला कराने के लिये क्या आप व्यवस्था करेंगे और तीसरी जनरल बात यह है कि जजों की नियुक्ति के लिये सरकार ने जो नीति निर्धारित की है, उसमें संशोधन करने का भी सरकार कोई विचार रखती है ?

SHRI RANGARAJAN KUMARMANGALAM: Sir, article 217 of the Constitution of India clearly lays down the manner of appointment and the conditions of the office of a High Court Judge. I think the hon. Member and this House must be aware that there is a process of consultation with the Chief Justice of India, with the Governor of the State and the Chief Justice of the High Court concerned.

In so far as the general comment made about the appointments of Judges is concerned, I must protest. Our Judges have maintained a very high standard. It is not fair to say at all in any way that an examination is a requirement. But leaving that aside and going to the issue of Patna directly .. (*Interruptions*) .. If I may go into the issue of Patna, there are three vacancies in Patna, at the moment. It goes with the sanctioned strength. We are considering filling up of these vacancies. We have also decided to sanction four more posts of Additional Judges. We would be thinking of appointing ....

MR. CHAIRMAN: You are going to appoint four more additional Judges.

SHRI RANGARAJAN KUMARMANGALAM: I would say, we are taking steps to ensure that the pendency is reduced. It has been reduced over the period.

**श्री शंकर दयाल सिंह :** सभापति जी, मैं एक और प्रश्न पूछना चाहता हूं, वह यह है कि पिछले दो वर्षों के अंदर बिहार सरकार या मुख्य न्यायाधीश हाईकोर्ट और राज्यपाल महोदय की सिफारिश के अनुसार आपके पास जो लिस्ट आई है, उनमें से सभी को आपने स्वीकार किया है या कुछ ऐसे नाम भी हैं जिन को आपने अस्वीकार किया है और अगर अस्वीकार किया है तो उसके कारण क्या है ?

SHRI RANGARAJAN KUMARMANGALAM: Sir, the fact is that the Chief Justice had in his communication earlier recommended certain names. And then, at that particular stage, there were differences of opinion between the Chief Minister and the Chief Justice. Later, in the process of consultation, the Governor of Bihar had intimated that he would require some time for the purpose of ensuring that a meeting takes place between the Chief Minister and the Chief Justice to bring about an understanding. On 1-4-1992, we received a letter from the Chief Minister of Bihar saying that the Chief Justice of the High Court had made fresh recommendations and he would require some time to go through the names and come back with his proposals. He has not yet come back. The process of consultation unfortunately requires that there should be some sort of unanimity between the authorities concerned. If there is unanimity, we act immediately; if there is not, we try to make them come to some sort of understanding. The real reason for the little bit of delay is the process of consultation and the Chief Minister taking his own time about it.

**श्री सुरेन्द्रजीत सिंह अहलुवालिया :** सभापति महोदय, मैं मंत्री महोदय से जानना चाहूंगा कि क्या कारण है कि वहां के जो केस हैं उनके फैसले नहीं

हो रहे हैं और ऐसा सुनने में आया है कि वहां के चीफ जस्टिस मि० साख ने एक लिखित रिपोर्ट में राज्यपाल को कहा है कि सरकार के खिलाफ जितने मामले हैं, उसके खिलाफ कोई भी फैसला देने में उनको घबराहट है, क्योंकि सरकार की तरफ से उनको धमकी दी गई है कि अगर वह सरकार के खिलाफ फैसले करेंगे तो उनको उसका फल भोगना पड़ेगा और उन्होंने गवर्नर को चिट्ठी लिखकर सैक्युरिटी की मांग की है। यह सच है या नहीं ? अगर सच है तो केन्द्रीय सरकार क्या कार्यवाही कर रही है ?

SHRI VIREN J. SHAH: If the Chief Justice of a High Court is threatened like this by a Chief Minister, we have no way to .... (*Interruptions*).

SHRI SUBRAMANIAN SWAMY: Is there any Constitution in Bihar or is it a total chaos there ?

SHRI VIREN J. SHAH: Let the Minister answer it.

SHRI RANGARAJAN KUMAR MANGALAM: The fact is that we would inquire into the matter. We have heard about this. But we have to find out from the State Government as to what really has happened.

SHRI S. S. AHLUWALIA: You have heard about it, but you have not inquired into it. (*Interruptions*).

SHRI RANGARAJAN KUMAR MANGALAM: Sir, if I may submit, we will ask the State Government and they would be coming back. It is only then .... (*Interruptions*).

SHRI SUBRAMANIAN SWAMY: If the Chief Justice there is not safe, then where is the Constitution ? It means that the Central Government is not discharging its responsibility.

SHRI RANGARAJAN KUMAR MANGALAM: I can say that the Government of India will take immediate steps to ensure that no such situation arises as the hon. Member has stated. But, we would definitely have to get the response from the State Government as to what their stand is on this matter.

SHRI S. S. AHLUWALIA: The State Government itself is a party to it.

SHRI SUBRAMANIAN SWAMY: The Home Minister should make a statement on this issue. It has never happened in the history of India. The Chief Justice is saying that his life is under a threat from the Chief Minister. That means there is a total breakdown of the Constitution. The Home Minister must make a statement as to what he has done about it.

SHRIMATI JAYANTHI NATARAJAN: IAS officers are assaulted. The Chief Justice is threatened. What is happening there ? Let the Home Minister make a statement on this.

MR. CHAIRMAN: Let us confine ourselves to High Court Judges.

**श्री दयानन्द सहाय** : मेरा प्रश्न है क्या यह सही है . . . (**व्यवधान**)

**श्री सभापति** : अब आपका प्रश्न कहां जाएगा, अहलुवालिया जी का सवाल है। आप दो-दो सवाल नहीं कर सकते दो आदमी एक साथ। . . . (**व्यवधान**) ।

**श्री सुरेन्द्रजीत सिंह अहलुवालिया** : मेरा सवाल तो पैंडिंग है, सर।

**श्री सभापति** : अहलुवालिया जी के सवाल का जवाब क्या दे रहे हैं ?

**श्री सुरेन्द्रजीत सिंह अहलुवालिया** : नहीं, दे नहीं रहे हैं। जवाब दे कहां रहे हैं।

SHRI MURLIDHAR CHANDRAKANT BHANDARE: It is a very serious matter. He must come out with a statement. He must not wait. He must find out today itself as to what the correct position is.

MR. CHAIRMAN: That is what he is saying.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : And we can't wait any longer .... (*Interruptions*) .... He must make a statement .... (*Interruptions*) ....

SHRI SUBRAMANIAN SWAMY : He has not denied that there is such a letter. Now the question is what is to be done about it .... (*Interruptions*) ....

SHRI RANGARAJAN KUMAR : MANGALAM : Sir, if I may submit, the security arrangements for the Chief Justice will be made .... (*Interruptions*) .... with regard to the other matters, was naturally have to get the response of the State Government. We are getting the response of the State Government .... (*Interruptions*) ....

SHRI SUBRAMANIAN SWAMY : Sir, will the Home Minister say that the Chief Justice is safe? .... (*Interruptions*) ....

**श्री सत्य प्रकाश मालवीय** : सभापति जी, इस पर आधा घंटे की चर्चा करा दीजिए ।

**श्री सभापति** : आप लिख कर भेज दीजिएगा .. (**व्यवधान**) ..

Question Hour is over.

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## WRITTEN ANSWERS TO QUESTIONS

### Lok Adalats in Madhya Pradesh

*82. SHRI SURESH PACHOURI : Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) what is the number of Lok Adalats held upto 31st March, 1992 in Madhya Pradesh after the implementation of the Legal Services Authorities Act, 1987, with details thereof;

(b) what is the number of cases decided in such Lok Adalats with details of the various types of cases;

(c) whether Government have any proposal to expand Lok Adalat System in Madaya Pradesh; and

(d) if so, what are the details thereof?



THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARMANGALAM) : (a) and (b) The Legal Services Authorities Act, 1987 has yet to be enforced. However, between April, 1986 and upto 31st March, 1992, 330 Lok Adalats have been held in Madhya Pradesh. The break up of the 5,04,588 cases settled in the Lok Adalats, is given below :—

| | |
|---|---|
| Civil | 9,289 |
| Criminal | 89,593 |
| MACT | 7,497 |
| Labour | 2,240 |
| Revenue | 3,64,590 |
| Maintenance | 1,001 |
| Matrimonial | 170 |
| Others | 30,208 |

(c) and (d) The expansion of Lok Adalat system is a continuous process. Lok Adalats are not akin to regularly constituted law courts. They are voluntary efforts for resolution of disputes through persuasive and conciliatory method. The Lok Adalats held in Madhya Pradesh are being organised by the M. P. State Legal Aid & Advice Board from time to time at the High Court, District and Taluka level.

### Solving Bilateral Issues with Pakistan

*87. SHRI SATYA PRAKASH MALAVIYA :

SHRI MOHINDER SINGH LATHER :

Will the Minister of EXTERNAL AFFAIRS be pleased to refer to the answer to Unstarred Question 1576 given in the Rajya Sabha on 9th March, 1992; and state :

(a) whether Government propose to take urgent steps to mobilise world opinion to pressurise Pakistan from waging a proxy war against India;

(b) whether Government also propose to approach Washington and London to persuade Islamabad to stop its intransigence;